

### SUPPORT FOR THE AMENDMENTS

This Amendment cancels Claims 12-24; and amends Claims 35-36. Support for the amendments is found in the specification and claims as originally filed. In particular, support for Claims 35-36, which are rewritten in independent form, is found in canceled Claim 12. No new matter would be introduced by entry of these amendments.

Upon entry of these amendments, Claims 1-11 and 35-37 will be pending in this application. Claim 1 and 35-36 are independent.

### REQUEST FOR RECONSIDERATION

Applicants respectfully request entry of the foregoing and reexamination and reconsideration of the application, as amended, in light of the remarks that follow.

the present invention relates to mineral fillers used in polyurethane foam to improve physical-chemical properties.

According to conventional methods, a first stream containing a mixture of polyol and mineral filler is combined in a mixer head with a second stream containing additional polyol, catalysts, water, diisocyanate and other optional additives to produce polyurethane foam.

The present invention improves the dispersion of the mineral filler in the polyurethane foam, and significantly reduces the time needed to mix the filler with the polyol, by treating the filler with a specific treatment agent and having the filler undergo a deagglomeration stage.

By the term "deagglomeration" is meant a step whereby the number of agglomerates are reduced using an appropriate apparatus, of the crusher type, more specifically a crusher of the pin type or known "attritor" type. Specification at page 6, lines 28-30.

Claims 12-24 are rejected under 35 U.S.C. § 102(b) or, in the alternative, under 35 U.S.C. § 103(a) over U.S. Patent Nos. 5,134,175 and 5,180,757 (collectively "Lucey"). In

addition, Claims 12-24 are rejected under 35 U.S.C. § 102(b) or, in the alternative, under 35 U.S.C. § 103(a) over U.S. Patent No. 4,183,843 ("Koenig"). Claims 12-24 are canceled, so the rejections are moot and should be withdrawn.

Claims 1-24 are rejected under 35 U.S.C. § 102(b) over U.S. Patent Nos. 5,412,139 (parent) and 5,464,895 (divisional)(collectively "Blanchard"). Blanchard discloses a dispersing agent acting on mineral fillers. Blanchard-139 at abstract, lines 4-5. The dispersing agent is added to resin just before, just after, or simultaneously with the addition of pulverulent mineral filler. Blanchard-139 at column 3, line 66, to column 4, line 1. However, Blanchard fails to suggest the limitation of independent Claims 1 and 35-36 of a mineral charge that "undergoes a deagglomeration stage". Thus, the rejection over Blanchard should be withdrawn.

Claims 1-24 and 35-37 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-34 and 38-40 of copending parent U.S. Application No. 09/719,574. To obviate the provisional rejection, a Terminal Disclaimer is attached.

Claims 1-24 and 35-37 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 21-31 of copending U.S. Application No. 10/318,096. Applicants respectfully traverse the rejection. Claims 21-31 of copending U.S. Application No. 10/318,096 are directed to a polyurethane foam prepared from a suspension comprising a polyol and a hydrophilic treated mineral filler, where the treated mineral filler is produced by treating a mineral filler with a treatment agent and the treated mineral filler "remains hydrophilic when dispersed in the polyol". However, claims 21-31 of copending U.S. Application No. 10/318,096 fail to suggest the feature of independent Claims 1 and 35-36 of a mineral charge that has undergone a "deagglomeration stage", as defined in the specification and discussed above. Thus, the provisional rejection should be withdrawn.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is in condition for allowance. Applicants respectfully request favorable consideration and prompt allowance of the application.

Should the Examiner believe that anything further is necessary in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

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Attachment:

Terminal Disclaimer over U.S. Application No. 09/719,574

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